

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
OCTOBER 18, 2011

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Dennis Drake at 4:00 p.m. on October 18, 2011, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Dennis Drake, Commissioner James J. Eardley, Commissioner Alan D. Gardner, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

The Spectrum was not represented at the meeting.

Commissioner Eardley led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for October 5, 2011, through October 18, 2011
- Consideration of Approval of Regular Commission Meeting Minutes of October 4, 2011
- Consideration of Approval of Memorandum of Understanding between Washington County and Robert K. Weidner / 2012 Rural Public Lands County Council

Actions of the Washington County Planning Commission Meeting / 10-11-11

Conditional Use Permit Extension: Review progress of exceptions to height limitations and installation of a 2nd 196-foot steel lattice tower at the BLM Blackridge site, within the OSC zone, off I-15 at Exit 36. Verizon Wireless, applicant.

The Planning Commission unanimously recommended approval of the Conditional Use Permit granting permanent status.

Conditional Use Permit Extension: Review extension to mine cinders and operate a crushing operation at a community materials pit on BLM land located near the Town of Veyo. Sunroc Corp., applicant.

The Planning Commission unanimously recommended approval of the Conditional Use Permit for the period of one (1) year, with future staff reviews on a yearly basis if there are no complaints or changes to the use.

Conditional Use Permit Extension: Request permission to construct a chlorination building off Highway 18 and at Frontier Road in Central. Dixie Deer Special Service District, applicant, and Cindy Taylor Trucking and Construction, Inc agent.

The Planning Commission unanimously recommended approval of the Conditional Use Permit granting permanent status.

Conditional Use Permit: Request permission for installation of the 345kV Transmission Project approving three alternative routes (S4 and S7 or another combination of the two routes) through Washington County to Red Butte No. 2. Rocky Mountain Power, applicant.

The Planning Commission unanimously recommended approval of the Conditional Use Permit for the period of one (1) year on Alternative S4, S7 and another route combining the portions of the two routes. Allow adjustments to Project centerline, access roads, shoe-fly (up to 200 feet in permitted zones) as may need to be adjusted to address landowner concerns, engineering constraints, or unforeseen environmental conflicts without amending the CUP or submitting a new application. Findings pursuant to Utah Code Ann. 17-27-a-406 that the Project Area Alternatives and the associated Project Area conform to County General Plan. Accept the pre-construction and major construction activities and work commenced outside the County boundary as substantial work. Allow owner affidavits to be submitted after approval of the CUP, prior to construction as a condition of the CUP; and allow a maximum structure height of 140 feet for the proposed Project Area Alternatives.

MOTION: Motion by Commissioner Eardley to Accept the Consent Agenda as presented, with the exception of the final Conditional Use Permit by Rocky Mountain Power, which shall be considered on the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley and Gardner voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

Conditional Use Permit: Request permission for installation of the 345kV Transmission Project approving three alternative routes (S4 and S7 or another

combination of the two routes) through Washington County to Red Butte No. 2. Rocky Mountain Power, applicant.

Chairman Drake said that this item seeks approval of a line bringing power back into the Red Butte Substation above Central which also services Washington County. Mark Cox of Rocky Mountain Power addressed the Commission concerning this item.

Rocky Mountain Power is seeking a conditional use permit for a 345,000 volt line which will start in Sevier County north of Richfield at their Sigurd Substation and come down to the Red Butte Substation near Central. Engineering studies indicate that in 2014 resources will be thin, and this line needs to be in place by then. The Bureau of Land Management (BLM) and Forest Service are also involved in this project, as most of the routes are through their land. Several conditional use permits must be approved by the County so that RMP can approach three (3) different entities in the state to receive state permits. The draft Environmental Impact Statement (EIS) came out this spring, and the final EIS is expected in May 2012 with a Record of Decision coming out in December of 2012.

Commissioner Eardley asked Mr. Cox for his opinion about the future of power in Washington County, and Mr. Cox said that currently the generation mix consists of 62% coal, 12% natural gas, 16% wind/hydro/other, and purchases on the market of 9%. In 2020, he expects the mix to be 36% coal, 17% wind/hydro/other, 26% natural gas, and purchases up to 10%. Coal-fired plants will be reduced in numbers over the next thirty (30) years, partly because of energy efficiency (getting customers to use less). The change in price to the consumer over the next ten (10) years will be ten percent (10%) per year, or well over one hundred percent (100%) compounded over the ten (10) year period.

Commissioner Eardley asked why the country does not actively promote more economical sources of power, and Mr. Cox said that nuclear power is the most economical source. However, the problem with pursuing that option is that public perception (particularly the “green” movement) is vehemently against it. A coal-powered plant could be built and operated more cheaply than the other sources mentioned; to get it online and operational would be next to impossible because of social pressures and public perceptions. Commissioner Eardley said that at a recent meeting with state officials, he and others were told to expect the cost of power to triple over the next ten (10) years.

MOTION: Motion by Commissioner Gardner to Approve the Conditional Use Permit for installation of the 345kV Transmission Project approving three (3) alternative routes (S4 and S7 or another combination of the two (2) routes) through Washington County to Red Butte No. 2, by Rocky Mountain Power, Applicant. Motion seconded by

Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

EMERGENCY SERVICES REPORT / SHERIFF'S OFFICE: CONSIDERATION OF APPROVAL OF NEW SEARCH AND RESCUE TEAM MEMBERS

Washington County Sheriff Cory Pulsipher reported on the following four (4) Search and Rescue events since his last report:

- 9/3/11: Jeep and two (2) people stuck near Enterprise
- 9/24/11: Medical transport of man suffering from heat exhaustion on Motoqua Road
- 9/26/11: Lost hikers on Kolob
- 9/28/11: Lost biker on Bear Claw Poppy Trail

A total of forty-eight point five (48.5) man hours were donated by the Search and Rescue Team of volunteers.

Sheriff Pulsipher asked for Commission approval of five (5) new Search and Rescue volunteers: Lorenzo Sperry, Greg Brooksby, Cory Hankins, Anthony Makun, and Jarab Daniel. Background checks have been performed on these individuals, and they have all been recommended for approval by the Search and Rescue Administrative Board.

MOTION: Motion by Commissioner Gardner to Approve Five (5) New Search and Rescue Members, as follows: Lorenzo Sperry, Greg Brooksby, Cory Hankins, Anthony Makun, and Jarab Daniel. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

PURCHASE REQUESTS / MARK BLANCH

Emergency Services (grant money), pagers	\$38,115.00
Library System, computer equipment	\$18,507.91
Road Department, emergency flashing signs	\$37,658.00

All purchases have been budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Eardley to Approve the Above Purchase Requests, as presented. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1013-O, A TEMPORARY ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 9, CHAPTER 1, ADDING SECTION 15

Deputy County Attorney Eric Clarke explained that the Planning Commission asked for the Commission to declare a moratorium on the interment of corpses on private property for a period of six (6) months, in order to allow the Planning Commission a further opportunity to study this issue and, if needed, recommend a permanent Ordinance dealing with the issue. Under the state code, the County Commission may pass a temporary land-use ordinance under certain circumstances.

MOTION: Motion by Commissioner Gardner to Adopt Ordinance No. 2011-1013-O, A Temporary Ordinance Amending And Superseding Washington County Code Title 9, Chapter 1, Adding Section 15. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF ORDINANCE NO. 2011-1014-O, AN ORDINANCE AMENDING AND SUPERSEDING WASHINGTON COUNTY CODE TITLE 3, ADDING CHAPTER 5

Mr. Clarke said that this ordinance requires businesses that have obtained business licenses from the County to participate in the federal E-Verify program. The Supreme Court has decided that implementation of such an ordinance is allowed, so long as the only consequence for doing so is revocation or suspension of a business license.

There is an administrative hearing process provided for in the event a business does not comply.

Chairman Drake added that the County has researched this issue and made sure that taxpayer dollars were not threatened by a potential lawsuit. The E-Verify requirement has been challenged and, ultimately, upheld by the Supreme Court.

Jim Flohr, representing a local immigration task force, congratulated the Commission on taking the lead in the State of Utah, being the first of twenty-nine (29) counties to adopt an ordinance dealing with the E-Verify program.

MOTION: Motion by Commissioner Eardley to Adopt Ordinance No. 2011-1014-O, A Temporary Ordinance Amending And Superseding Washington County Code Title 3, Adding Chapter 5. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1587, A RESOLUTION APPOINTING ANDRE BRAZZLE AS A DEPUTY COUNTY CONSTABLE

County Constable Jean Dickson has requested the appointment of a deputy to assist her in her duties countywide. A background check has been done and the Washington County Sheriff's Office does not object to the appointment.

MOTION: Motion by Commissioner Gardner to Adopt Resolution No. R-2011-1587, A Resolution Appointing Andre Brazzle As A Deputy County Constable. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

CONSIDERATION OF RESOLUTION NO. R-2011-1588, A RESOLUTION APPROVING THE EXECUTION OF THE ESCALANTE VALLEY MEMORANDUM OF UNDERSTANDING FOR HOLT CANYON FLOOD WATERS

Chairman Drake explained that flood waters from Holt Canyon in Washington County disperse into Iron County. The Natural Resources Conservation Service (NRCS) is researching engineering solutions to ensure that dispersal is not destructive to homes in the Escalante Valley area. This MOU encourages them to study that process and determine how best to handle the water dispersal so that it does not become problematic.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2011-158, A Resolution Approving the Execution of the Escalante Valley Memorandum of Understanding for Holt Canyon Flood Waters. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Drake, Eardley, and Gardner voting aye.

COMMISSIONERS' REPORT

Commissioner Gardner said that it appears that the Payment in Lieu of Taxes (PILT) bill is moving through Congress with the support of Utah's representatives.

Additionally, Governor Herbert was in town this week, visiting with local elected officials.

PUBLIC WORKS OR ROAD BUSINESS

Public Works Director Ron Whitehead updated the Commission on the progress of the feasibility study for the Washington Parkway project. Jacobs Consulting has been retained to perform this study. Washington County and the Utah Department of Transportation will both be signing the contract with Jacobs, as both are coordinating agencies with the Bureau of Land Management (BLM). Once that contract is finalized, it will be brought before the Commission for approval. The contract consists mainly of the Work Plan, including the estimated cost. Each local entity was required to contribute five thousand dollars (\$5,000) to this contract, but with some additional work to be done, that amount will increase by approximately three hundred and forty dollars (\$340) each.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request a Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 4:41 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

DENNIS DRAKE
CHAIRMAN